

## **Exhibit A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF  
RESOURCE COUNCILS et al.,

Plaintiffs,

vs.

UNITED STATES BUREAU OF  
LAND MANAGEMENT,

Defendant,

and

STATE OF WYOMING,

Intervenor-Defendant.

Case No. 4:20-cv-00076-BMM

**DECLARATION OF  
NATHANIEL T. SHOAFF**

I, Nathaniel T. Shoaff, in accordance with 28 U.S.C. § 1746, declare as follows:

1. I am over the age of 18, competent to testify, and have personal knowledge of the issues addressed in this declaration.
2. I am Counsel for Sierra Club in the above-captioned matter.
3. In August 2021, the Bureau of Land Management (BLM) initiated a public comment period regarding a yet-to-be-conducted review of its federal coal leasing program.

4. I submitted comments to the Bureau of Land Management on the federal coal leasing program dated October 5, 2021, on behalf of Sierra Club and Center for Biological Diversity, Citizens for Clean Energy, Earthjustice, Friends of the Earth, Grand Canyon Trust, Montana Environmental Information Center, Southern Utah Wilderness Alliance, Utah Physicians for a Healthy Environment, Western Environmental Law Center, WildEarth Guardians, and Wilderness Workshop.

5. Those comments addressed the non-climate public health impacts of burning federal coal at length, on pages 35-42. The comments addressed the Buffalo and Miles City Resource Management Plans (RMPs) at pages 15-16.

6. Those comments are available on BLM's e-planning website.  
<https://eplanning.blm.gov/eplanning-ui/project/2016861/510> (click on "Documents" at left, then "Folder 1," then "Ltr6\_Shoaff\_SierraClub.pdf").

7. In January 2022, BLM made available on its website a "Comment Summary Report," prepared by BLM, dated December 2021, that summarizes the comments received.

8. I am not aware of any public commitment by the Department of the Interior or BLM to continue the review of the federal coal program beyond the December 2021 Comment Summary Report, nor any public announcement as to the next steps in a review process.

9. During this litigation, beginning prior to the general federal coal leasing review described in paragraphs 3-8, Conservation Groups reached out to BLM multiple times regarding the possibility of resolving the case short of full merits briefing.

10. Sierra Club and other organizations met with BLM leaders on May 5, 2021, to discuss the federal coal program. In that meeting, the organizations set out their desire to address the Buffalo and Miles City RMPs short of fully litigating the matter.

11. On May 24, 2021, Sierra Club and other organizations followed up with BLM leadership with a letter setting out five priorities for the federal coal program, including the desire to address the Buffalo and Miles City RMPs short of fully litigating the matter.

12. On November 16, 2021, Sierra Club met with BLM leaders to discuss various aspects of the federal coal program. In that meeting, Sierra Club expressed its desire to address the Buffalo and Miles City RMPs short of fully litigating the matter.

13. On December 21, 2021, at the invitation of BLM's counsel in this matter, I emailed BLM's counsel with a set of proposed remand parameters that would, in general terms, adequately address Conservation Groups' concerns in this matter.

14. I inquired further with BLM counsel regarding a response to Conservation Groups' proposed remand parameters on January 3, 7, and 11, 2022.

15. At no time prior to the close of merits briefing on February 25, 2022, did BLM or its counsel provide any substantive response that I am aware of to the discussion in meetings, letters, or emails from Sierra Club and other organizations regarding potential remand of the Buffalo and Miles City RMPs.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: March 9, 2022.

/s/ Nathaniel Shoaff  
Nathaniel Shoaff (*pro hac vice*)  
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